

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1095

AN ACT

AMENDING SECTION 41-2124.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 292, SECTION 12; AMENDING SECTION 41-2124.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 292, SECTION 13; RELATING TO MOTOR FUEL; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2124.01, Arizona Revised Statutes, as amended by
3 Laws 2007, chapter 292, section 12, is amended to read:

4 **41-2124.01. Area C; fuel reformulation: rules**

5 A. From and after May 31, 2008 through September 30, 2008 and during
6 the period from and after May 31 through September 30 of each subsequent
7 year, all gasoline produced and shipped to or within this state and sold or
8 offered for sale for use in motor vehicles in area C shall comply with either
9 of the following fuel reformulation options:

10 1. A gasoline that meets standards for federal phase II reformulated
11 gasoline, as provided in 40 code of federal regulations section 80.41,
12 paragraphs (e) through (h), in effect on January 1, 1999, except that the
13 minimum oxygen content standard does not apply. The gasoline shall also meet
14 the maximum vapor pressure requirements in section 41-2083.01, subsection D.

15 2. California phase 2 reformulated gasoline, including alternative
16 formulations allowed by the predictive model, as adopted by the California
17 air resources board pursuant to California code of regulations title 13,
18 sections 2261 through 2262.7 and 2265, in effect on January 1, 1997, except
19 that the minimum oxygen content standard does not apply. The gasoline shall
20 also meet the maximum vapor pressure requirements in section 41-2083.01,
21 subsection D.

22 B. Any registered supplier, as defined in department rules, may
23 petition the director to request that all registered suppliers be allowed to
24 supply gasoline in area C that does not meet the standards in subsection A of
25 this section if the petitioner demonstrates that a shortage in the supply of
26 gasoline meeting the standards in subsection A of this section is imminent.

27 C. A petition under subsection B of this section shall:

28 1. Identify specific supply conditions that will result in a shortage
29 of gasoline meeting the standards in subsection A of this section.

30 2. Identify the formulation of gasoline that will be sold in area C in
31 lieu of gasoline meeting the standards in subsection A of this section.

32 3. Specify a time period for compliance with the standards of
33 subsection A of this section not to exceed sixty days.

34 D. The director shall either grant or deny a petition under subsection
35 B of this section in writing within seven days of its receipt. Any decision
36 by the director to grant the petition shall be equally applicable to all
37 registered suppliers and shall not be selectively applied to any single
38 registered supplier. The petition may be granted only if the director
39 verifies that the basis for requesting the petition is factual.

40 E. The director may reauthorize a petition granted under subsection B
41 of this section if the petitioner demonstrates that the conditions identified
42 in the petition have continued. The reauthorization of a petition shall not
43 exceed thirty days.

44 F. The director of the department of weights and measures shall
45 consult with the director of the department of environmental quality before

1 granting, reauthorizing or denying any petition under subsection B of this
2 section.

3 G. The director of the department of environmental quality in
4 consultation with the director of the department of weights and measures
5 shall adopt by rule:

- 6 1. Requirements to implement subsections A, B and C of this section.
7 2. Requirements for record keeping, reporting and analytical methods
8 for fuel providers to demonstrate compliance with subsection A of this
9 section.

10 H. This section does not apply to fuel sold for use at a motor vehicle
11 manufacturer proving ground or at a motor vehicle racing event.

12 Sec. 2. Section 41-2124.01, Arizona Revised Statutes, as amended by
13 Laws 2007, chapter 292, section 13, is amended to read:

14 **41-2124.01. Area C; fuel reformulation; rules**

15 A. From and after May 31, 2008 through September 30, 2008 and during
16 the period from and after May ~~31~~ 1 through September 30 of each subsequent
17 year, all gasoline produced and shipped to or within this state and sold or
18 offered for sale for use in motor vehicles in area C shall comply with either
19 of the following fuel reformulation options:

20 1. A gasoline that meets standards for federal phase II reformulated
21 gasoline, as provided in 40 Code of Federal Regulations section 80.41,
22 paragraphs (e) through (h), in effect on January 1, 1999, except that the
23 minimum oxygen content standard does not apply. The gasoline shall also meet
24 the maximum vapor pressure requirements in section 41-2083.01, subsection D.

25 2. California phase 3 reformulated gasoline, including alternative
26 formulations allowed by the predictive model, as adopted by the California
27 air resources board pursuant to California Code of Regulations title 13,
28 sections 2261 through 2263, 2265 and 2266.5, in effect on May 1, 2003,
29 including vapor pressure requirements contained in section 2262.4.

30 B. Any registered supplier, as defined in department rules, may
31 petition the director to request that all registered suppliers be allowed to
32 supply gasoline in area C that does not meet the standards in subsection A of
33 this section if the petitioner demonstrates that a shortage in the supply of
34 gasoline meeting the standards in subsection A of this section is imminent.

35 C. A petition under subsection B of this section shall:

36 1. Identify specific supply conditions that will result in a shortage
37 of gasoline meeting the standards in subsection A of this section.

38 2. Identify the formulation of gasoline that will be sold in area C in
39 lieu of gasoline meeting the standards in subsection A of this section.

40 3. Specify a time period for compliance with the standards of
41 subsection A of this section not to exceed sixty days.

42 D. The director shall either grant or deny a petition under subsection
43 B of this section in writing within seven days of its receipt. Any decision
44 by the director to grant the petition shall be equally applicable to all
45 registered suppliers and shall not be selectively applied to any single

1 registered supplier. The petition may be granted only if the director
2 verifies that the basis for requesting the petition is factual.

3 E. The director may reauthorize a petition granted under subsection ~~E~~
4 B of this section if the petitioner demonstrates that the conditions
5 identified in the petition have continued. The reauthorization of a petition
6 shall not exceed thirty days.

7 F. The director of the department of weights and measures shall
8 consult with the director of the department of environmental quality before
9 granting, reauthorizing or denying any petition under subsection B of this
10 section.

11 G. The director of the department of environmental quality in
12 consultation with the director of the department of weights and measures
13 shall adopt by rule:

14 1. Requirements to implement subsections A, B and C of this section.
15 2. Requirements for record keeping, reporting and analytical methods
16 for fuel providers to demonstrate compliance with subsection A of this
17 section.

18 H. This section does not apply to fuel sold for use at a motor vehicle
19 manufacturer proving ground or at a motor vehicle racing event.

20 Sec. 3. Conditional enactment

21 Section 41-2124.01, Arizona Revised Statutes, as amended by Laws 2007,
22 chapter 292, section 13 and this act, does not become effective unless the
23 condition prescribed in Laws 2007, chapter 292, section 27, subsection B
24 occurs.